United Nations CCPR/C/LIE/CO/2

International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the second periodic report of Liechtenstein*

1. The Committee considered the second periodic report of Liechtenstein (CCPR/C/LIE/2) at its 3376th and 3377th meetings (see CCPR/C/SR. 3376 and 3377), held on 4 and 5 July 2017. At its 3403rd meeting, held on 24 July 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of Liechtenstein, albeit over seven years late, and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/LIE/Q/2/Add.1) to the list of issues (CCPR/C/LIE/Q/2), which were supplemented by the oral responses provided by the delegation.

B. Positive aspects

3. The Committee welcomes the following legislative measures taken by the State party:

(a) The amendment, in April 2016, to article 283 of the Criminal Code, introducing a comprehensive prohibition of discrimination;

(b) The adoption, in November 2016, of the Law on the Liechtenstein Human Rights Association, thus creating an independent national human rights institution in Liechtenstein in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) The entry into force of the law on registered partnerships of same-sex couples, in 2011.

4. The Committee also welcomes the ratification of the following international instruments by the State party:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 25 January 2017;

(b) The Convention on the Reduction of Statelessness, in 2009;

(c) The Convention Relating to the Status of Stateless Persons, in 2009.

* Adopted by the Committee at its 120th session (3-28 July 2017).

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C. Principal matters of concern and recommendations

Training on the Covenant

5. The Committee notes that, while judges and members of the prosecutor's office receive training on the Covenant, no such awareness-raising measures are carried out for lawyers (art. 2).

6. **The State party should pursue its efforts to raise awareness about the Covenant among lawyers, in order to ensure that its provisions can be invoked before, and given effect by, domestic courts.**

National human rights institution

7. The Committee commends the enactment of legislation setting up the Liechtenstein Human Rights Association, but is concerned that the financial resources allocated to it by the State party may not be sufficient to allow it to execute its broad mandate successfully. While the Association is free to raise additional funds, its ability to carry out all functions assigned to it should not be dependent on ongoing fundraising efforts (art. 2).

8. **The State party should:**

(a) **Allocate sufficient funding to the Association to cover all elements of its comprehensive mandate for the protection and promotion of human rights, including the promotion of equality between men and women;**

(b) **Ensure that the founding legislation of the Association ensures that membership is reflective of societal pluralism and diversity, rather than merely allowing for this.**

Reservations to the Covenant

9. While welcoming the information that the State party's reservation to article 24 (3) of the Covenant was withdrawn in 2009, the Committee notes that the State party continues to maintain reservations to important aspects of articles 14, 17 and 26 of the Covenant. In the view of the Committee, these reservations are unnecessary (art. 2).

10. **The State Party should consider withdrawing its remaining reservations to articles 14, 17 and 26 of the Covenant.**

Anti-discrimination legislation

11. The Committee notes that the principle of equal treatment is proclaimed in the Constitution and is reflected in a series of legislative acts, including the anti-discrimination provisions in the labour law of the State party, the amendment to article 283 of the Criminal Code, the gender equality act and the act on equality of persons with disabilities. However, the Committee remains concerned that no comprehensive prohibition on discrimination is provided for beyond the criminal law provision, and that no prohibition on multiple discrimination is provided for in any existing domestic anti-discrimination provisions (arts. 2 and 26).

12. **The State party should take all the measures necessary to ensure that its legal framework: (a) comprehensively prohibits all discrimination, including multiple discrimination; and (b) provides for effective remedies in cases of violation. The State party should also provide for training of judges, prosecutors and lawyers in relation to articles 33 (5) and 283 of the Criminal Code and raise awareness of these provisions with the public.**

Gender equality

13. While noting measures taken by the State party to improve gender equality, the Committee observes with concern that the State party has made a declaration to the effect that it does not interpret the provisions of article 3 of the Covenant as constituting an impediment to the constitutional rules on the hereditary succession to the throne of the

Reigning Prince, which is governed by a special autonomous law. The Committee echoes the concerns of the Committee on the Elimination of Discrimination against Women (see CEDAW/C/LIE/CO/4, para. 12), that the declaration may have a potentially negative impact on the perceived commitment of the State party to the general equality framework (arts. 2, 3 and 26).

14. **The State party should consider withdrawing the declaration under article 3 of the Covenant regarding the constitutional rule on hereditary succession to the throne.**

15. The Committee notes with concern the downward trend in female representation in the political sphere in national and municipal elections since 2009 (art. 25).

16. **The State party should:**

(a) **Dedicate sufficient funding to ensure that the gender equality commission, the steering committee for gender mainstreaming, the working group on gender equality in national administration positions and the equal opportunities unit are fully staffed as a matter of priority, so that they can fulfil their mandate of wider outreach to enhance female representation;**

(b) **Strengthen its efforts to increase the participation of women in the public and private sectors, particularly in decision-making positions, including by adopting, if necessary, temporary special measures.**

Persons with disabilities

17. While the Committee notes that the State party has made progress in promoting the rights of persons with disabilities, it is concerned that persons with disabilities still face challenges in gaining access to justice, education, employment and political participation, and also by the permissible distinctions regarding wages under current legislation (arts. 2 and 26).

18. **The State party should:**

(a) **Take appropriate measures to ensure that persons with disabilities are not discriminated against in the enjoyment of their rights;**

(b) **Ensure that employers are fulfilling their positive obligations to ensure access by disabled persons to the labour market by providing reasonable accommodation;**

(c) **Make the denial of reasonable accommodation for persons with disabilities a form of discrimination within its existing indirect discrimination provisions;**

(d) **Ensure that the definition of "disproportionate burden" in relation to employers' obligations is understood and implemented restrictively;**

(e) **Continue efforts to ratify the Convention on the Rights of Persons with Disabilities.**

Domestic violence

19. The Committee commends the work that has been carried out by the State party towards giving full effect to the Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and notes that minor adjustments to domestic legislation are needed before implementation (arts. 3, 6 and 7).

20. **The State party should ensure that:**

(a) **Implementation of the Istanbul Protocol and amendments to the relevant provisions of the Criminal Code are undertaken as soon as possible;**

(b) **Law enforcement personnel, judges, lawyers and prosecutors receive training on the investigation of torture and ill-treatment by integrating the Istanbul Protocol into all training programmes;**

(c) **Work continues for the compilation of statistics on prosecutorial investigations and outcomes of criminal proceedings in cases of domestic violence.**

Sexual and reproductive rights

21. The Committee welcomes the State party's statement that the criminal provisions concerning abortion have not been enforced in practice and welcomes the revision of the criminal code pertaining to the decriminalization of women seeking abortions. The Committee remains concerned, however, about the restrictive circumstances in which termination of pregnancy is permitted by law in the State party, and particularly the fact that no exception exists in cases of fatal fetal impairment (arts. 3, 6, 7 and 17).

22. **The State party should:**

(a) **Amend its legislation on abortion with a view to providing for additional exceptions to the legal ban on abortion, including cases of fatal fetal impairment, in order to ensure that the life and health of women are adequately protected;**

(b) **Ensure access to clear information on options for voluntary pregnancy termination.**

Persons deprived of their liberty

23. The Committee welcomes the re-evaluation of the correctional system undertaken by the State party, and recognizes the particularities faced by the State party, given the size of the national prison at Vaduz and the need for an agreement with neighbouring countries to house detainees serving longer sentences. However, the Committee notes with concern that relying on another State's correctional system means, in practice, that the State party lacks the means to oversee the living conditions of its longer-term detainees. Specifically, the Committee notes the observations of the Committee against Torture (see CAT/C/AUT/CO/6, paras. 26 and 27), in which the latter Committee voiced concerns regarding conditions of detention in Austria (arts. 9, 10 and 14).

24. **The State party should consider reviewing the existing legislative framework governing detention abroad to include a provision allowing for State party authorities and the national preventive mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to visit detainees held abroad.**

25. The Committee is concerned that interrogations by police after a suspect is arrested are not automatically audio- and video-recorded, but are recorded only in specific cases stipulated by law (arts. 7 and 9).

26. **The State party should consider amending the Code of Criminal Procedure with a view to introducing the mandatory audio- and videorecording of all police interrogations and questioning as part of its efforts to prevent torture and ill-treatment.**

Discrimination on the basis of religion

27. The Committee welcomes the considerable efforts undertaken by the State party to reorganize the relationship between the State and religious communities in order to ensure equality of treatment by the State for all religious denominations. However, the Committee remains concerned at the inability to reach an agreement within the two remaining municipalities in order to amend the Constitution, and the effect that this impasse has in the meantime on religious communities other than the Roman Catholic denomination (arts. 2, 18 and 27).

28. **The State party should ensure that:**

(a) **Efforts are redoubled to reach an agreement within outstanding municipalities in order to amend the Constitution;**

(b) **Funding is provided for religious organizations of all religious communities on a basis of equality and that such funding is not limited to efforts aimed at integration of minority communities;**

(c) **The criteria for the recognition of religions guarantees the freedom of religion and belief and freedom to manifest a religion or belief either individually or in community with others, in public or in private, and in worship, observance, practice or teaching.**

Prohibition of torture

29. The Committee welcomes the establishment of the Liechtenstein Corrections Commission, which also serves as the national preventive mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and also welcomes work undertaken thus far by the Ministry for Home Affairs, Justice and Economic Affairs on the revision of the Criminal Code to include a definition of torture that is compliant with international standards (art. 7).

30. **The State party should:**

(a) **Begin the consultation and decision-making processes for the revision of the Criminal Code;**

(b) **Enact a prohibition on torture that is compliant with article 7 of the Covenant and with internationally recognized standards, including the removal of any statute of limitations on the prosecution of such crimes;**

(c) **Ensure that there exists an independent mechanism within the normal legal system, but separate from the police, to investigate allegations of torture and ill-treatment;**

(d) **Ensure that the law adequately provides for the prosecution and conviction of perpetrators and accomplices of such acts before ordinary criminal courts, in accordance with the gravity of the acts, as well as for remedies for victims and their families, including rehabilitation and compensation.**

Protection from arbitrary expulsion

31. While the Committee is cognizant of the pressures faced by the State party owing to significant immigration relative to its size, and while it welcomes the introduction of measures to encourage the integration of foreign nationals, it remains concerned about the issue of the cancellation of the residence permits of those who are reliant on social benefits above a certain threshold, unless they have been living continuously in the State party for 15 years or more (arts. 13 and 26).

32. **The State party should take the necessary measures to ensure that provisions on the withdrawal of residence permits of those reliant on social benefits who have been living in the State party for less than 15 years does not have an unfair impact on those in genuine need or put vulnerable persons at even greater risk.**

D. Dissemination and follow-up

33. The State party should widely disseminate the Covenant, its two Optional Protocols, its second periodic report, the written replies to the Committee's list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official language of the State party.

34. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, within one year of the adoption of the present concluding observations, information on the implementation of the recommendations made

by the Committee in paragraphs 12 (anti-discrimination legislation), 22 (sexual and reproductive rights) and 30 (prohibition on torture) above.

35. The Committee requests the State party to submit its next periodic report by 28 July 2023 and to include in that report information on the implementation of the present concluding observations. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country, as well as minority and marginalized groups. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Alternatively, and in accordance with the State party's comment on its support of the simplified reporting procedure, the Committee invites the State party to agree, within one year, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its periodic report. The State party's response to the list of issues will constitute the next report to be submitted under article 40 of the Covenant.